

UNITED STATES DISTRICT COURT

for the
District of Nebraska

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Six (6) phones as described in Attachment A

Case No. 8:23MJ116

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the _____ District of _____ Nebraska _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

21:841, 846

Conspiracy to distribute and possess with intent to distribute controlled substances

The application is based on these facts:

See attached affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

☐ Sworn to before me and signed in my presence.

☒ Sworn to before me by telephone or other reliable electronic means.

Date: 3/1/2023

City and state: Omaha, Nebraska

Applicant's signature

Christian P. Iten, DEA Special Agent

Printed name and title

Judge's signature

Michael D. Nelson, U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR NEBRASKA

IN THE MATTER OF THE SEARCH OF

- 1) **A Samsung Model SM-F926U with SN R3CRC04XQYH.**
- 2) **An Apple Iphone S Model A1688**
- 3) **An Apple Iphone 6S Model A1633**
- 4) **A Blue / Teal Iphone**
- 5) **A Black Iphone with a damaged screen**
- 6) **An Apple Iphone S Model A1688 with damage on the rear**

Case No. 8:23MJ116

CURRENTLY LOCATED AT 7300 World
Communications Drive, Omaha NE 68122

AFFIDAVIT IN SUPPORT OF AN
APPLICATION UNDER RULE 41 FOR A
WARRANT TO SEARCH AND SEIZE

I, **Christian P. Iten** being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant authorizing the examination of property—electronic devices—which is currently in law enforcement possession (Attachment A), and the extraction from that property of electronically stored information described in Attachment B.

2. I am a Special Agent with the Drug Enforcement Administration and have been since August 2019. Your affiant is a Special Agent (SA) for the Drug Enforcement Administration (DEA). Your affiant has been employed with the DEA since August 18th, 2019. Your affiant was employed as a Special Agent for the Naval Criminal Investigative Service from 2015 to 2016. Your affiant was a certified police officer for Prince William County (VA) from

2013 to 2015. Your affiant has a bachelor's degree in Geography from the United States Military Academy. Your Affiant has received training from the Prince William County Criminal Justice Academy, the Federal Law Enforcement Training Center, the United States Drug Enforcement Administration, as well as practical field experience regarding possession, distribution, identification, and recognition of illegal drugs, including but not limited to Marijuana, Cocaine, Methamphetamine, and Heroin and other controlled substances. Your affiant has been involved, as the primary case officer or a supporting officer, in numerous investigations related distribution of controlled substances. I have been assigned to investigations of violations of the drug laws of the United States including violations of Title 21, United States Code (U.S.C.), Sections 841(a)(1) and Title 21, United States Code, Section 846. I have observed Search Warrants that have been conducted on electronic devices seized as part of drug investigations and have observed the assistance from other agencies in executing those warrants.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE DEVICES TO BE EXAMINED

1) The property to be searched are:

- a. **A Samsung Model SM-F926U with SN R3CRC04XQYH.**
- b. **An Apple Iphone S Model A1688**
- c. **An Apple Iphone 6S Model A1633**
- d. **A Blue / Teal Iphone**
- e. **A Black Iphone with a damaged screen**
- f. **An Apple Iphone S Model A1688 with damage on the rear**

The Devices are currently located at the Drug Enforcement Administration at 7300 World Communications Drive, Omaha NE 68122

4. The applied-for warrant would authorize the forensic examination of the Devices for the purpose of identifying electronically stored data particularly described in Attachment B.

PROBABLE CAUSE

5. On December 2, 2022, members of the Drug Enforcement Administration (DEA) Omaha Field Division (OFD) Task Force Group 2 (TFG2) were conducting surveillance at 2535 Ed Babe Gomez Ave, Omaha NE 68107 when TFO Nicholas Jaworski observed a white envelope with the approximate dimensions of 12 x 9 x 4 inches weighing approximately 1 pound, scheduled for “UPS Next Day Air” with tracking number 1Z 589 41V 01 4998 6920, with a listed shipper: James Bol, 602-670-9571, The UPS Store #4000, Ste 21, 4340 E Indian School Rd, Phoenix, AZ 85018-5361. The listed recipient: David Bol, 2405 Emmet St. Omaha, NE 68111-3230. On December 2, 2022 members of TFG2 secured the package and applied for and were granted a Douglas County NE Search Warrant for the box.

6. At approximately 8:32 AM, TFO Brian Miller and SA Andrew Hermes executed the Search Warrant and seized approximately 1000 M30 Fentanyl Pills weighing approximately 120 grams. SA Christian Iten conducted a presumptive field test of a pill resulting in a positive indication for Fentanyl. After completing an inventory of the package, investigators removed the contraband from the package and placed an item of similar size, shape due to the risks of handling fentanyl.

7. On December 2, 2022 a controlled delivery was conducted. An undercover officer delivered the package at approximately 11:40am. No one answered the door so the package was left in the mail box. At approximately 12:20am a gray SUV with no license plates went past the residence made a u-turn and then pulled in front of the residence. The passenger, later identified as Kun R. GACH, DOB: 08/12/1984 exited the vehicle and obtained the package from the mailbox.

8. GACH was immediately taken into custody. Investigator Jaworski advised GACH of his Miranda rights. GACH agreed to talk with Investigator Jaworski. GACH stated he used to reside at the house and still gets mail there. GACH stated he moved out last December and the house is not currently occupied by anyone. GACH stated his friend, John Chuol who goes by the nickname Tutu and resides in Phoenix, Arizona and asked him to pick up a package at 2405 Emmet Street. GACH granted consent to search his cellphones, provided the passcodes for them, and showed messages on his snapchat app between GACH (using the account Nation812) and the account **kingt224** related to the package. SA Iten observed that on December 1, 2022, GACH sent Tutu the address for the house which is the same day the package was sent. On December 2, 2022, Tutu sent GACH a message stating the package was dropped off. GACH responded that he was on his way.

9. With Investigators present GACH sent Tutu a message asking what to do with the package. Tutu advised someone would pick it up later tonight from Des Moines. There was no additional contact with Tutu.

10. On December 15, 2022 SA Iten applied for and was granted a United States District Court, District of Nebraska, Search Warrant for the content and identifiers of the Snapchat accounts KingT224 and Nation812.

11. On or about December 19, 2022 Snapchat provided the content and identifiers for Snapchat accounts KINGT224 and NATION812.

12. On January 13, 2022 SA Iten reviewed the records provided by Snap Inc. for the account KINGT224. SA Iten observed the following subscriber information: Email: gatkuach22@gmail.com, Phone: 602-670-9576, display Name: Hennny_God, User ID: 4ccb31fc-6b06-4999-9d05-7854fd0226c0, and Account Created: July 29, 2015.

13. SA Iten observed two messages from KINGT224 to nayawel stating "4713 E van Buren St" and "Apartment 4034" . SA Iten observed a message from KINGT224 to jnguot2021 stating "Here's my name for the passport. Tut Kuach Chuol". SA Iten observed two messages from cc2fine and KINGT224 "That***s where you want him to send the money?" and KINGT224 replying "\$Tutchuol". SA Iten also observed a message from KINGT224 to hotboyluny "\$kungach". SA Iten also observed KINGT224 sending out the telephone number (602)670-9576 to several accounts.

14. An open source database check of the phone number (602)670-9576 associates the number with Tut CHUOL.

15. On December 7, 2022 TFO Nicholas Jaworski applied for and was granted a Douglas County NE Search warrant for Kun GACH's electronic devices. On January 25, 2023 SA Christian Iten examined the devises and found the following two contact numbers for Tutu:

- a. (602)550-7905 – GACH contacted this number 18 times from October 28, 2022 until October 30, 2022.
- b. (602)670-9576 – GACH contacted this number on November 24, 2022.

16. SA Iten conducted a database check of the address for 4713 E Van Buren St. Apartment 4034, Phoenix Arizona. According to the Arizona Department of Motor Vehicles Tut KUACH CHUOL (DOB 1980-08-07) lives at this address.

17. On January 18, 2023, a federal grand jury, sitting in the District of Nebraska, returned an Indictment against Tut Yual, Kun Gach, and Tut Chuol. Warrants were issued for their arrest.

18. On February 8, 2023, members from DEA Phoenix in conjunction with USPIS Postal Inspectors executed a state search warrant on the residence of Tut CHUOL located at 4217 E Van Buren St, Apt 4034, Phoenix AZ 85005. Tut CHUOL was arrested by DEA Phoenix, on his Nebraska warrant. The devices were seized from Tut CHUOL's apartment by members of DEA Phoenix along with approximately 2.1 kilograms of suspected methamphetamine, and a receipt bearing a USPS tracking number of a package which was later intercepted and found to contain approximately 1,000 fake pills consistent with Fentanyl.

19. The Devices are currently in the lawful possession of the Drug Enforcement Administration. The Devices came into the Drug Enforcement Administration's possession in the following way: On February 8, 2023, members from DEA Phoenix in conjunction with USPIS Postal Inspectors executed a state search warrant on the residence of Tut CHUOL located at 4217 E Van Buren St, Apt 4034, Phoenix AZ 85005. The devices were seized from Tut CHUOL's apartment at the time of his arrest by members of DEA Phoenix. All devices other than the Black Iphone with a damaged screen were found in CHUOL's bedroom. The Black Iphone with a damaged screen was found in a coffee table drawer in the living room of the apartment.

20. DEA Phoenix maintained custody of the devices until they were mailed to SA Christian Iten of DEA Omaha on February 9, 2023, and SA Iten took custody of the package on December 14, 2023.

21. SA Iten knows that in prior cases, computers, computer equipment, cellular phones, and digital media were seized and found to contain evidence establishing ownership of the digital devices, involvement in criminal activity and ownership or use of any Internet service accounts, to include but not limited to, social media accounts, cloud storage accounts, email accounts, credit card accounts, telephone accounts, correspondence and other identification documents.

22. SA Iten knows that digital media can contain a substantial amount of information relevant to the investigation of a case. Criminals often use digital devices/media, including but not limited to, computers and cellular phones to communicate with accomplices and will sometimes store accomplices' contact information in a digital format. These communications can occur through electronic mail (email), instant messaging, text messaging, social media accounts, cloud storage accounts, and/or phone calls. To the extent that criminals use services such as phone services, email, instant messaging, social media accounts, cloud storage accounts, and/or text messages, these messages can sometimes be found on the digital media itself. Criminals also use cellular phones and other digital media to document criminal activities both by photographs, videos and digital memos.

23. Your affiant knows that these photographs, videos and memos are also stored on the device itself. The digital information can also be located on the SIM (Subscriber Identity Module) which is a smart card located in the phone and also contains cellular network and phone

information. Removable memories, including but not limited to, flash cards/memory, are also sometimes located in cellular phones that allows the user to store vast amounts of electronic data.

24. SA Iten knows that these digital devices can store a large number of digital data, including but not limited to, photographs, videos, phone numbers and call history. Some digital devices can also contain contact information and calendar information and can be linked, either by wire or wireless, with computers. Camera phones can contain images and videos. This information can be valuable evidence in determining other participants in a criminal enterprise. Likewise, your affiant knows that images in a camera can contain evidence of where a subject has been and with whom the subject has associated.

25. SA Iten knows from training and professional and personal experience that computers, computer equipment, cellular phones, and digital media are personal items. These items have become an important part of a person's way to communicate, express themselves, and store digital data. They contain private conversations and the whereabouts of computers, computer equipment, cellular phones, and digital media are known to their owners at all times.

26. The Devices are currently in storage at the Drug Enforcement Administration at 7300 World Communications Drive, Omaha NE 68122. In my training and experience, I know that the Devices has been stored in a manner in which its contents are, to the extent material to this investigation, in substantially the same state as they were when the Devices first came into the possession of the Drug Enforcement Administration.

TECHNICAL TERMS

27. Based on my training and experience, I use the following technical terms to convey the following meanings:

- a. Wireless telephone: A wireless telephone (or mobile telephone, or cellular telephone) is a handheld wireless device used for voice and data communication through radio signals. These telephones send signals through networks of transmitter/receivers, enabling communication with other wireless telephones or traditional “land line” telephones. A wireless telephone usually contains a “call log,” which records the telephone number, date, and time of calls made to and from the phone. In addition to enabling voice communications, wireless telephones offer a broad range of capabilities. These capabilities include: storing names and phone numbers in electronic “address books;” sending, receiving, and storing text messages and e-mail; taking, sending, receiving, and storing still photographs and moving video; storing and playing back audio files; storing dates, appointments, and other information on personal calendars; and accessing and downloading information from the Internet. Wireless telephones may also include global positioning system (“GPS”) technology for determining the location of the device.
- b. Digital camera: A digital camera is a camera that records pictures as digital picture files, rather than by using photographic film. Digital cameras use a variety of fixed and removable storage media to store their recorded images. Images can usually be retrieved by connecting the camera to a computer or by connecting the removable storage medium to a separate reader. Removable storage media include various types of flash memory cards or miniature hard drives. Most digital cameras also include a screen for viewing the stored images.

This storage media can contain any digital data, including data unrelated to photographs or videos.

- c. Portable media player: A portable media player (or “MP3 Player” or iPod) is a handheld digital storage device designed primarily to store and play audio, video, or photographic files. However, a portable media player can also store other digital data. Some portable media players can use removable storage media. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can also store any digital data. Depending on the model, a portable media player may have the ability to store very large amounts of electronic data and may offer additional features such as a calendar, contact list, clock, or games.
- d. GPS: A GPS navigation device uses the Global Positioning System to display its current location. It often contains records the locations where it has been. Some GPS navigation devices can give a user driving or walking directions to another location. These devices can contain records of the addresses or locations involved in such navigation. The Global Positioning System (generally abbreviated “GPS”) consists of 24 NAVSTAR satellites orbiting the Earth. Each satellite contains an extremely accurate clock. Each satellite repeatedly transmits by radio a mathematical representation of the current time, combined with a special sequence of numbers. These signals are sent by radio, using specifications that are publicly available. A GPS antenna on Earth can receive those signals. When a GPS antenna receives signals from at least four satellites, a computer connected

to that antenna can mathematically calculate the antenna's latitude, longitude, and sometimes altitude with a high level of precision.

- e. PDA: A personal digital assistant, or PDA, is a handheld electronic device used for storing data (such as names, addresses, appointments or notes) and utilizing computer programs. Some PDAs also function as wireless communication devices and are used to access the Internet and send and receive e-mail. PDAs usually include a memory card or other removable storage media for storing data and a keyboard and/or touch screen for entering data. Removable storage media include various types of flash memory cards or miniature hard drives. This removable storage media can store any digital data. Most PDAs run computer software, giving them many of the same capabilities as personal computers. For example, PDA users can work with word-processing documents, spreadsheets, and presentations. PDAs may also include global positioning system ("GPS") technology for determining the location of the device.

28. Based on my training, experience, and research, I know that the Device has capabilities that allow it to serve as a wireless telephone, digital camera, portable media player, GPS navigation device, and PDA. In my training and experience, examining data stored on devices of this type can uncover, among other things, evidence that reveals or suggests who possessed or used the device.

ELECTRONIC STORAGE AND FORENSIC ANALYSIS

29. Based on my knowledge, training, and experience, I know that electronic devices can store information for long periods of time. Similarly, things that have been viewed via the Internet are typically stored for some period of time on the device. This information can sometimes be recovered with forensics tools.

30. *Forensic evidence.* As further described in Attachment B, this application seeks permission to locate not only electronically stored information that might serve as direct evidence of the crimes described on the warrant, but also forensic evidence that establishes how the Device was used, the purpose of its use, who used it, and when. There is probable cause to believe that this forensic electronic evidence might be on the Device because:

- a. Data on the storage medium can provide evidence of a file that was once on the storage medium but has since been deleted or edited, or of a deleted portion of a file (such as a paragraph that has been deleted from a word processing file).
- b. Forensic evidence on a device can also indicate who has used or controlled the device. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence.
- c. A person with appropriate familiarity with how an electronic device works may, after examining this forensic evidence in its proper context, be able to draw conclusions about how electronic devices were used, the purpose of their use, who used them, and when.

- d. The process of identifying the exact electronically stored information on a storage medium that is necessary to draw an accurate conclusion is a dynamic process. Electronic evidence is not always data that can be merely reviewed by a review team and passed along to investigators. Whether data stored on a computer is evidence may depend on other information stored on the computer and the application of knowledge about how a computer behaves. Therefore, contextual information necessary to understand other evidence also falls within the scope of the warrant.
- e. Further, in finding evidence of how a device was used, the purpose of its use, who used it, and when, sometimes it is necessary to establish that a particular thing is not present on a storage medium.

31. *Nature of examination.* Based on the foregoing, and consistent with Rule 41(e)(2)(B), the warrant I am applying for would permit the examination of the device consistent with the warrant. The examination may require authorities to employ techniques, including but not limited to computer-assisted scans of the entire medium, that might expose many parts of the device to human inspection in order to determine whether it is evidence described by the warrant.

32. *Manner of execution.* Because this warrant seeks only permission to examine a device already in law enforcement's possession, the execution of this warrant does not involve the physical intrusion onto a premises. Consequently, I submit there is reasonable cause for the Court to authorize execution of the warrant at any time in the day or night.

CONCLUSION

33. I submit that this affidavit supports probable cause for a search warrant authorizing the examination of the Devices described in Attachment A to seek the items described in Attachment B.

Respectfully submitted,



Christian P. Iten
Special Agent
Drug Enforcement Administration

Sworn to before me by reliable electronic means:

Date: 03/01/2023

City and State: Omaha, Nebraska



Michael D. Nelson, U.S. Magistrate Judge

ATTACHMENT A

The property to be searched a **Samsung Model SM-F926U with SN R3CRC04XQYH** an **Apple Iphone S Model A1688**, an **Apple Iphone 6S Model A1633**, a **Blue / Teal colored Iphone**, a **Black Iphone with a damaged screen**, and an **Apple Iphone S Model A1688 with damage on the rear** photographed below.



The Devices are currently located at the Drug Enforcement Administration at 7300 World Communications Drive, Omaha NE 68122

This warrant authorizes the forensic examination of the Devices for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

1. All records on the Devices described in Attachment A that relate to violations of **21 U.S.C. 846 Conspiracy to possess with intent to deliver a controlled substance** and involve **Tut CHUOL** since December 2, 2022, including:

- a. lists of customers and related identifying information;
- b. types, amounts, and prices of drugs trafficked as well as dates, places, and amounts of specific transactions;
- c. any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying information);
- d. any information recording **CHUOL's** schedule or travel from **January 1, 2018** to the present;
- e. all bank records, checks, credit card bills, account information, and other financial records.

2. Evidence of user attribution showing who used or owned the Device at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;

As used above, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.

UNITED STATES DISTRICT COURT

for the
District of Nebraska

In the Matter of the Search of)
Six (6) phones as described in Attachment A) Case No. 8:23MJ116
)
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____ Nebraska
(identify the person or describe the property to be searched and give its location):

See Attachment A

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See Attachment B

YOU ARE COMMANDED to execute this warrant on or before _____ March 14, 2023 (not to exceed 14 days)
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

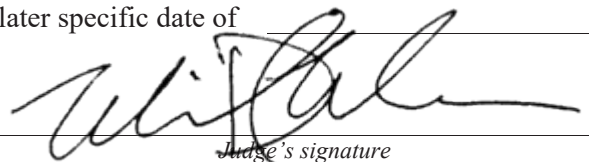
The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____ Michael D. Nelson
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for _____ days (not to exceed 30) ☐ until, the facts justifying, the later specific date of _____.

Date and time issued: 3/1/2023 1:09 pm

City and state: Omaha, Nebraska



Judge's signature

Michael D. Nelson, U.S. Magistrate Judge
Printed name and title

AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

ReturnCase No.:
8:23MJ116

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

*Executing officer's signature*_____
Printed name and title

ATTACHMENT A

The property to be searched a **Samsung Model SM-F926U with SN R3CRC04XQYH** an **Apple Iphone S Model A1688**, an **Apple Iphone 6S Model A1633**, a **Blue / Teal colored Iphone**, a **Black Iphone with a damaged screen**, and an **Apple Iphone S Model A1688 with damage on the rear** photographed below.



The Devices are currently located at the Drug Enforcement Administration at 7300 World Communications Drive, Omaha NE 68122

This warrant authorizes the forensic examination of the Devices for the purpose of identifying the electronically stored information described in Attachment B.

ATTACHMENT B

1. All records on the Devices described in Attachment A that relate to violations of **21 U.S.C. 846 Conspiracy to possess with intent to deliver a controlled substance** and involve **Tut CHUOL** since December 2, 2022, including:

- a. lists of customers and related identifying information;
- b. types, amounts, and prices of drugs trafficked as well as dates, places, and amounts of specific transactions;
- c. any information related to sources of drugs (including names, addresses, phone numbers, or any other identifying information);
- d. any information recording **CHUOL's** schedule or travel from **January 1, 2018** to the present;
- e. all bank records, checks, credit card bills, account information, and other financial records.

2. Evidence of user attribution showing who used or owned the Device at the time the things described in this warrant were created, edited, or deleted, such as logs, phonebooks, saved usernames and passwords, documents, and browsing history;

As used above, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form.